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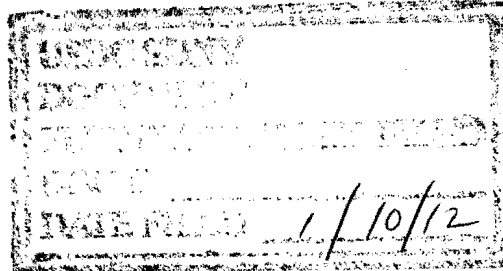
WILMERHALE

VIA FACSIMILE (212) 805-6712

Seth Morgan Jessee

December 23, 2011

The Honorable Kevin N. Fox
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312



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Re: Lawrence Watson v. The City of New York et al., 10 Civ. 8018 (GBD/KNF)

Dear Judge Fox:

I am writing on behalf of plaintiff, Lawrence Watson, to respectfully request this Court for leave to amend the complaint to include two recently identified defendants in replacement of two of the John Doe defendants and for an extension of time to serve the recently identified defendants. The proposed amended complaint is enclosed with this letter.

Under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend a pleading rests within the sound discretion of the court, and "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a)(2); *see also Pangburn v. Culbertson*, 200 F.3d 65, 70-71 (2d Cir. 1999) (reversing district court under "abuse of discretion" standard for denying plaintiff leave to amend § 1983 claims to add new defendant). Here, there has been no undue delay or bad faith on the part of plaintiff. On December 12, 2011, Corporation Counsel identified one of the John Doe defendants as Joseph McGovern. On December 22, 2011, Corporation Counsel identified another John Doe defendant as Roman Ilustre. Plaintiff has wasted no time in amending the complaint to include these defendants, which culminates plaintiff's diligent efforts into their identity. Nor will there be any prejudice to the recently identified defendants because they have yet to appear in this action and have not expended any resources to conduct discovery or prepare for trial. Nor would an amendment be futile.

Rule 6(b) of the Federal Rules of Civil Procedure provides that "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time." Fed. R. Civ. P. 6(b). District courts have wide discretion to grant enlargement of time with or without motion. *Choi v. Chemical Bank*, 939 F.Supp. 304 (S.D.N.Y. 1996).

As previously set forth in letters to the Court, since plaintiff obtained WilmerHale as pro bono counsel, plaintiff has filed and served an amended complaint on both Corporation Counsel and the New York Police Department (Docket Entry 23), obtained expedited discovery to obtain the identity of the John Doe defendants (Docket Entry 25), and served a subpoena to obtain the John Doe defendants' identities. While plaintiff's diligent efforts have led to the identification of two of the John Doe defendants, while doing so, plaintiff may have run out of time to serve these

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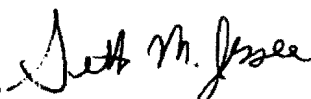
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identified defendants within the time frame previously granted by this Court. To the extent necessary, it is respectfully requested that plaintiff be granted an extension of 30 days from the date this letter is endorsed to serve the recently identified defendants. *See Henry v. County of Niagara*, No. 10CV800A, 2011 WL 2634228, at *5 (W.D.N.Y. July 5, 2011) ("The identification of these defendants is the good cause for granting an extension of time to serve them.").

Best regards,



Seth M. Jessee

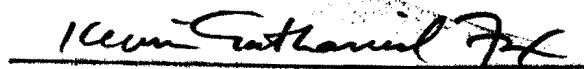
cc: Peter J. Macdonald, Esq.

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The plaintiff's applications to amend the complaint, to identify more precisely the defendants, and for an enlargement of time to serve the amended pleading are granted. On or before February 8, 2012, the plaintiff shall serve and file the second amended complaint.

SO ORDERED:


Hon. Kevin Nathaniel Fox
United States Magistrate Judge